

### Remarks

The Non-Final Office Action mailed October 18, 2005 has been received and carefully considered. Claims 1 and 3-30 were previously pending in the application. New claims 31-35 have been added to more fully define the invention. Claims 17, 20, 23 and 25-30 have been canceled without prejudice to facilitate prosecution of the present application. Accordingly, claims 1, 3-16, 18, 19, 21, 22, 24 and 31-35 are now pending in the application.

### Response to Requirement for Information

The Requirement for Information under 37 CFR §1.105 included with the Office Action is addressed in a fully responsive submission included herewith. Applicant notes that the Submission Responsive to Requirement for Information under 37 CFR §1.105 includes **PROPRIETARY AND TRADE SECRET INFORMATION** and is accordingly submitted herewith under the provisions of MPEP 724.02. **CONFIDENTIAL TREATMENT OF THIS INFORMATION IN ACCORDANCE WITH MPEP 724.02 IS HEREBY EXPRESSLY REQUESTED.** In addition, a petition to expunge under 37 CFR §1.59 is included herewith. The special care of the Examiner in relation to these matters is earnestly solicited.

### Amendments to Claims

New claims 31-35 have been added to more fully define the invention. Support for new claims 31-35 is found throughout the specification and particularly on page 16, lines 9-14.

Claim 1 has been amended to include additional features of the invention including "a detail drawing". Support for this amendment is found throughout the specification, and particularly on page 32, lines 3-21 and figure 16.

Applicant notes that in the pending rejection of claim 17 under 35 USC §110 3(a) the Office Action asserts that "Rappaport teaches a software method for designing a network comprising a detail notes portion adapted to record a detailed layout of a network within an office environment, functionally equivalent to a multiple dwelling unit," citing figures 2 and 3 and column 4, lines 14-33. Having carefully reviewed the cited reference, Applicant notes that the Rappaport reference describes a system in which:

The designer may view the entire environment in simulated 3-D, zoom in on a particular area of interest, or dynamically alter the viewing location and perspective to create a "fly-through" effect. Using a mouse or other input positioning device the designer may select and view various communication hardware device models from a series of pull-down menus. Column 4, lines 40-46. Emphasis added.

Applicant respectfully observes, however, that there is nothing in Rappaport, whether taken alone or in combination with the other references of record, to teach or suggest the claimed combination of claim 1 including "a detail drawing."

Claim 13 has been amended to recite the features of "said software including a detail notes portion adapted to record a detailed layout of a network within a multiple dwelling unit." Applicant notes that these features were previously found in rejected claim 17. However, as discussed above in relation to claim 1, and in additional detail

below, the combination including a "detail notes" portion is neither taught nor suggested in the prior art of record.

Claim 18 has been amended to recite a combination of features including "an optical switch portion." Support for this amendment is found in the specification at page 6, lines 14-21 and at page 16, lines 14-20. As discussed in additional detail below, the combination including "an optical switch portion" is not taught or suggested in the prior art of record.

Claim 19 has been amended to recite a combination of features including "a fiber segment identified to a particular owner." Support for this amendment is found in the specification at page 33, lines 5-16. As discussed in additional detail below, the combination including "a fiber segment identified to a particular owner" is not taught or suggested in the prior art of record.

As noted above, claim 20 has been canceled without prejudice to facilitate prosecution of the present application.

Claim 21 has been amended to recite a combination of features including "modifying said graphically represented logical model using markup lines; and transmitting said modified logical model to said first computer and subsequently receiving authorization for said operatively connecting first and second physical communication cables." As discussed in additional detail below, this combination of features is not taught or suggested in the prior art of record.

As noted above, independent claims 25 and 27-30 have been canceled without prejudice to facilitate prosecution of the present application.

### Discussion of Pending Rejections

Claim 1 stands rejected under 35 USC §101. Claim 1 has been amended to recite the features of "a computer database management system," (emphasis added), among others. As noted in the Office Action a "computer database" explicitly refers to a technological implementation. Claim 1 has also been amended to include the feature of "forming a visible image representing said planned deployment." Applicant believes that in light of this feature the claimed invention unquestionably produces a "useful, concrete and tangible result." Accordingly, the rejection of claim 1 under 35 USC §101 is believed to be overcome.

Claims 3 and 5-12 each depend, directly or indirectly, from claim 1 and incorporate every limitation thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 3 and 5-12 over 35 USC §101 are overcome.

Claims 1 and 3-30 stand rejected under 35 USC §102(b) as being anticipated by the "CADDstar Version 5.0 Help Manual" and/or "CADDstar Version 3.81 Help Manual." As will be described in additional detail below, independent claims 1, 13 and 18, 19 and 21 have been amended to include additional features and further define the invention. Every other pending claim of the invention depends, directly or indirectly, from one of the above-noted independent claims. The features now included in the subject claims are believed to be patentably distinguishable over the CADDstar Version 5.0 Help Manual, the CADDstar Version 3.81 Help Manual, and the other references now of record.

As noted, claim 1 stands rejected under 35 USC §102(b) over the CADDstar Version 5.0 Help Manual and the CADDstar Version 3.81 Help Manual. In relation to this rejection, Applicant notes that the present invention relates to a system and method for network infrastructure management. Claim 1, as amended, recites:

A method for deploying a fiber optic communication network comprising: storing an attribute of an optical communication component in a computer catalog database entry; associating said catalog database entry with a design profile; selecting said database entry from said design profile; reading said attribute from said database entry; associating said attribute with a planned deployment of a physical instance of said component; and forming a visible image representing said planned deployment, said visible image including a detail drawing. Emphasis added.

Applicant's representative has carefully reviewed the CADDstar Version 5.0 Help Manual and the CADDstar Version 3.81 Help Manual, as well as the CADDstar Version 5.2 Help Manual provided herewith in response to the Requirement for Information under 37 CFR §1.105. Neither the CADDstar Version 3.81 Help Manual, nor the CADDstar Version 5.2 Help Manual includes anything to teach or suggest the claimed combination including "a detail drawing."

As discussed in the Response to Requirement for Information, filed concurrently herewith, the feature of a "detail drawing" is disclosed in the present application, and at sections 16.0-16.11 of United States provisional patent application 60/236,040 (*hereinafter* the 040 application). Sections 16.0-16.11 are also found in the CADDstar Version 5.2 Help Manual, which has a date of August 3, 2000 and which relates to version 5.2 software having a version date of February 25, 2000. Applicant respectfully notes that the version date of February 25, 2000 predates the filing the '040 application by less than one year; the filing date of the '040 application being September 28, 2000. Accordingly, the rejection of claim 1 under 35 USC §102(b) should be withdrawn.

Claims 3-12 each depend, directly or indirectly, from claim 1 and incorporate every limitation thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 3-12 under 35 USC §102 (b) are also overcome.

Like claim 1, claim 13 recites the feature of a "detail notes" portion. As discussed above in relation to claim 1, this feature is neither taught nor suggested in the prior art references of record. Accordingly, for at least the reasons given above in relation to claim 1, the rejection of claim 13 under 35 USC §102(b) is also overcome.

Claim 17 has been canceled and the rejection thereof is thus rendered moot.

Claims 14-16 each depend, directly or indirectly, from claim 13 and incorporate every limitation thereof. Accordingly, for at least the reasons given above in relation to claim 13, the rejections of claims 14-16 under 35 USC §102(b) are also overcome.

Claim 18, as amended, recites a combination of features including "an optical switch portion." Applicant respectfully submits that this feature is not taught or suggested in the references now of record. For at least this reason, the rejection of claim 18 under 35 USC §102(b) is overcome.

Claim 19, as amended, recites a combination of features including "... an optical cable having a buffer with first and second fibers... wherein at least one of said first and second fibers includes a fiber segment identified to a particular owner." Applicant respectfully submits that this combination of features is not taught or suggested in the references now of record. For at least this reason, the rejection of claim 19 under 35 USC §102(b) is overcome.

Claim 20 has been canceled without prejudice. Accordingly, the rejection of claim 20 under 35 USC §102(b) is rendered moot.

Claim 21, as amended, recites the features of " modifying said graphically represented logical model using markup lines; and transmitting said modified logical model to said first computer and subsequently receiving authorization for said operatively connecting first and second physical communication cables," (emphasis added). Applicant respectfully submits that this combination of features is not taught or suggested in the references now of record. For at least this reason, the rejection of claim 21 under 35 USC §102(b) is overcome.

Claim 22 has been canceled without prejudice. Accordingly, the rejection of claim 22 under 35 USC §102(b) is rendered moot.

Claims 22 and 24 each depend, directly from claim 21 and incorporate every limitation thereof. Accordingly, for at least the reasons given above in relation to claim 21, the rejections of claims 22 and 24 under 35 USC §102(b) are also overcome.

Claims 25-30 are canceled without prejudice to facilitate prosecution of the present application. Accordingly, the rejections of claims 25-30 are rendered moot.

Claims 1, 3-9, 12 and 27 stand rejected under 35 USC 103(a) as being unpatentable over United States patent number 6,499,006 to Rappaport et al. (*hereinafter* Rappaport).

The Rappaport reference relates to "[a] method for displaying the results of a predicted wireless communication system performance as a three-dimensional region of fluctuating elevation and/or color within a three-dimensional computer drawing

database consisting of one or more multi-level buildings, terrain, flora, and additional static and dynamic obstacles (e.g. automobiles, people, filing cabinets, etc.)."

The present invention relates to a system and method for network infrastructure management in light of which claim 1 recites a combination of features including "forming a visible image representing said planned deployment, said visible image including a detail drawing," (emphasis added). As discussed above under the heading "Amendments to Claims", the Rappaport reference does not teach or suggest this combination of limitations. Accordingly, the rejection of claim 1 under 35 USC §103(a) over Rappaport is overcome.

Claims 3-9 and 12 each depend, directly or indirectly, from claim 1 and incorporate every feature thereof. Accordingly, for at least the reasons given above in relation to claim 1, the rejections of claims 3-9 and 12 under 35 USC §103(a) over Rappaport is overcome.

Claim 27 has been canceled without prejudice. Accordingly, the rejection of claim 27 under 35 USC §103(a) over Rappaport is rendered moot.

Claims 10 and 11 and 21-26 stand rejected under 35 USC §103(a) over Rappaport in further view of United States patent number 5,761,423 to Bergholm (*hereinafter* Bergholm).

Claim 10 and 11 each depend directly from claim 1 and incorporate every limitation thereof. Accordingly, claims 10 and 11 each recite the feature of a "detail drawing." As discussed above in relation to claim 1, the Rappaport reference does not teach or suggest the claimed combination including a "detail drawing." Even accepting, *arguendo*, the propriety of combining Rappaport with Bergholm, the proposed



combination does not teach or suggest the claimed combination including a "detail drawing." Accordingly, the rejections of claims 10 and 11 under 35 USC §103(a) over Rappaport in further view Bergholm is overcome.

Claim 21 recites a combination of limitations including "modifying said graphically represented logical model using markup lines; and transmitting said modified logical model to said first computer and subsequently receiving authorization for said operatively connecting first and second physical communication cables." The proposed combination of the Rappaport and Bergholm references does not teach or suggest the claimed combination of features including "modifying said graphically represented logical model using markup lines and transmitting said modified logical model to said first computer." Accordingly, the rejection of claim 21 under 35 USC §103(a) over Rappaport in view of Bergholm is overcome.

Claims 22 and 24 each depend directly from claim 21 and incorporate every limitation thereof. Accordingly, for at least the reasons given above in relation to claim 21, the rejections of claims 22 and 24 under 35 USC §103(a) over Rappaport in view of Bergholm is overcome.

Claims 23, 25 and 26 have been canceled. Accordingly, the rejection of these claims under 35 USC §103(a) over Rappaport in view of Bergholm is moot.

Claim 13-20 and 28-30 stand rejected under 35 USC §103(a) over Rappaport in view Bergholm and in further view of United States patent number 5,821,937 to Tonelli et al. (*hereinafter* Tonelli). As noted above, claims 17, 20 and 28-30 have been canceled without prejudice and the subject rejection of these claims is consequently rendered moot.

Claim 13 as amended recites a combination of features including "a detail notes portion." Whether taken alone or in combination, the Rappaport, Bergholm and Tonelli references do not teach or suggest this combination of limitations. Accordingly, the rejection of claim 13 under 35 USC §103(a) over Rappaport in view Bergholm and in further view of Tonelli is overcome.

Claims 14-16 each depend, directly or indirectly, from claim 13 and incorporate every limitation thereof. Accordingly, the rejections of claims 14-16 under 35 USC §103(a) over Rappaport in view Bergholm and in further view of Tonelli are also overcome for at least the reasons given above in relation to claim 13.

Claim 18 as amended recites a combination of features including "an optical switch portion." Whether taken alone or in combination, the Rappaport, Bergholm and Tonelli references do not teach or suggest this combination of features. Accordingly, the rejection

of claim 18 under 35 USC §103(a) over Rappaport in view Bergholm and in further view of Tonelli is overcome.

Claim 19 as amended recites a combination of features including "a fiber segment identified to a particular owner." Whether taken alone or in combination, the Rappaport, Bergholm and Tonelli references do not teach or suggest this combination of limitations. Accordingly, the rejection of claim 19 under 35 USC §103(a) over Rappaport in view Bergholm and in further view of Tonelli is overcome.

In view of the foregoing amendments and arguments, now pending claims 1, 3-16, 18, 19, 21, 22, 24 and 31-35 are each believed to be in immediate condition for allowance. Accordingly, withdrawal of the pending rejections and passage of this application to issue is earnestly solicited.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (617) 868-8481 in Cambridge, Massachusetts. The Commissioner is hereby also authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 50-3117 of Bergman Kuta LLP, under Order No. H0630-0003-P003.

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